

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DARRYL GREVIOUS,
Plaintiff,

v.

FLAGSTAR BANK, FSB,
Defendant.

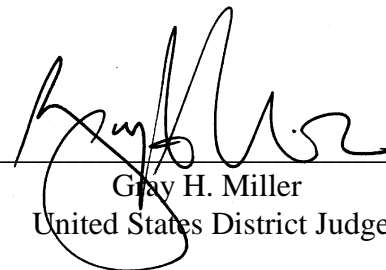
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CIVIL ACTION H-11-246

Order

Pending before the court is the Magistrate Judge's Memorandum and Recommendation ("M&R") regarding Defendant Flagstar Bank, FSB's Second Motion to Dismiss, or in the Alternative, Motion for More Definite Statement (Dkt. 17) and Plaintiff Darryl Grevious's Motion to Compel (Dkt. 18). Dkt. 27. After considering the M&R, all relevant filings, and the applicable law, the court is of the opinion that the M&R should be adopted by this court. Therefore, the M&R (Dkt. 27) is hereby **ADOPTED** in full. Defendant's motion to dismiss (Dkt. 17) is **GRANTED IN PART AND DENIED IN PART**. Defendant's motion to dismiss is **GRANTED** to the extent it seeks dismissal of Plaintiff's claims under the Truth in Lending Act, the Real Estate Settlement Procedures Act, the Home Ownership and Equity Protection Act, as well as the Plaintiff's claim for breach of fiduciary duty; these claims are **DISMISSED WITH PREJUDICE**. Defendant's motion to dismiss is **DENIED** to the extent it seeks dismissal of Plaintiff's fraud claim. Defendant's alternative motion for a more definite statement (Dkt. 17) is **DENIED**, and Plaintiff's motion to compel (Dkt. 18) is **DENIED AS MOOT**.

Signed at Houston, Texas on May 18, 2011.



Gray H. Miller
United States District Judge